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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

RAJYA SABHA

The following Bills were introduced in Rajya Sabha on the 13th May, 1988:—

I

BILL No XXI of 1988

A Bill to establish and incorporate a teaching and affiliating University in the State of Bihar and to provide for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Mahatma Gandhi University Act, 1988.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, and in all Statutes made hereunder, unless the context otherwise requires,—

(a) “Academic Council” means the Academic Council of the University;

(b) “Academic Staff” means such categories of staff as are designated as academic staff by the Ordinances;

Short
title
and com-
mence-
ment.

Defini-
tions.

(c) "Board of Studies" means the Board of studies of the University;

(d) "Chancellor" and "Vice-Chancellor" mean, respectively, the Chancellor and Vice-Chancellor of the University;

(e) "College" means a College maintained by, or admitted to the privileges of, the University;

(f) "Court" means the Court of the University;

(g) "Department" means a Department of Studies, and includes a Centre of Studies;

(h) "Director" means any of the Directors referred to in section 12;

(i) "employee" means any person appointed by the University, and includes teachers and other staff of the University;

(j) "Executive Council" means the Executive Council of the University;

(k) "Hall" means a unit of residence or of corporate life for the students of the University, College or Institution, provided, maintained or recognised by the University;

(l) "Institution" means an academic institution, not being a College, maintained by, or admitted to the privileges of the University;

(m) "Principal" means the Head of a College or an Institution, and includes where there is no Principal, the person for the time being duly appointed to act as Principal, and, in the absence of the Principal or acting Principal, a Vice-Principal duly appointed as such;

(n) "recognised institution" means an institution of higher learning recognised by the University;

(o) "recognised teachers" means such persons as are recognised by the University for the purpose of imparting instruction in a College or an Institution admitted to the privileges of the University;

(p) "School" means a School of Studies of the University;

(q) "Statutes", "Ordinances" and "Regulations" mean, respectively, the Statutes, Ordinances and Regulations of the University for the time being in force;

(r) "teachers of the University" means Professors, Readers, Lecturers and such other persons as may be appointed for imparting instruction or conducting research in the University or in any College or Institution maintained by University and are designated as teachers by the Ordinances;

(s) "University" means the Mahatma Gandhi University.

3. (1) There shall be established a University by the name of "Mahatma Gandhi University".

The Uni-
versity.

(2) The Headquarters of the University shall be at Motihari Nagar of East Champaran district in the State of Bihar and it may also establish campuses at such other places within its jurisdiction as it may deem fit.

(3) The first Chancellor and the first Vice-Chancellor and the first members of the Court, the Executive Council and the Academic Council and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of "Mahatma Gandhi University".

(4) The university shall have a perpetual succession and a common seal and shall sue and be sued by the said name.

4. The objects of the University shall be to disseminate and advance knowledge by providing instructional and research facilities in such branches of learning as it may deem fit and by the example of its corporate life, and, in particular, to make special provisions for studies in rural development and to take appropriate measures for promoting inter-disciplinary studies and research in the University.

Objects.

5. The University shall have the following powers, namely:—

Powers of
the Univer-
sity.

(1) to provide for instruction in such branches of learning as the University, may, from time to time, determine and to make provision for research and for the advancement and dissemination of knowledge;

(2) to provide for and organise studies in rural development;

(3) to grant, subject to such conditions as the University may determine, diplomas or certificates to, and confer degree or other academic distinctions on the basis of examinations, evaluation or any other method of testing, on persons, and to withdraw any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause;

(4) to confer honorary degrees or other distinctions in the manner prescribed by the Statutes;

(5) to institute Principalships, Professorships, Readerships, Lecturerships and other teaching or academic posts required by the University and to appoint persons to such Principalships, Professorships, Readerships, Lecturerships or other posts;

(6) to recognise an Institution of higher learning for such purposes as the University may determine and to withdraw such recognition;

(7) to appoint persons working in any other university or organisation as teachers of the University for a specified period;

(8) to create administrative, ministerial and other posts and to make appointments thereto;

(9) to establish such campuses, special centres, specialised laboratories or other units for research and instruction as are, in the opinion of the University, necessary for the furtherance of its objects;

(10) to institute and award fellowships, scholarships, studentships, medals and prizes;

(11) to establish and maintain Colleges, Institutions and Halls;

(12) to make provision for research and advisory services; and for that purpose to enter into such arrangements with other institutions or bodies as the University may deem necessary;

(13) to declare a College, and Institution or a Department as an autonomous College or an Institution or a Department, as the case may be;

(14) to determine standards for admission into the University which may include examination, evaluation or any other method of testing;

(15) to demand and receive payment of fees and other charges;

(16) to make special arrangements in respect of women students as the University may consider desirable;

(17) to regulate and enforce discipline among the employees and students of the University and take such disciplinary measures in this regard as may be deemed by the University to be necessary;

(18) to make arrangements for promoting the health and general welfare of the employees;

(19) to receive donations and to acquire, hold, manage and dispose of any property, movable or immovable including trust and endowment properties for the purposes of the University;

(20) to borrow, with the approval of the Central Government, on the security of the property of the University, money for the purposes of the University;

(21) to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the University

6. The jurisdiction of the University shall extend to the whole of the State of Bihar.

Jurisdiction.

University open to all classes, castes and creed.

7. The University shall be open to the persons of either sex and belonging to race, creed, caste, or class, and it shall not be lawful for the University to adopt or impose on any person any test whatsoever of religious belief or profession in order to entitle him to be admitted therein, as a teacher or student, or to hold any office therein, or to graduate thereat:

Provided that nothing in this section shall be deemed to prevent the University from making provisions for the weaker sections of the people and, in particular, of the Scheduled Castes and Scheduled Tribes.

8. The President of India shall be the visitor of the University.

Visitor.

9. The Governor of the State of Bihar shall be Chief Rector of the University.

Chief
Rector.

10. The following shall be the officers of the University:—

Officers
of the
University.

1. The Chancellor;

2. The Vice-Chancellor;

3. The Director of Studies, Educational Innovations and Rural reconstruction;

4. The Director of Culture and Cultural Relations;

5. The Director of Physical Education, Sports, National Service and Students Welfare;

6. The Deans of Schools;

7. The Registrar;

8. The Finance Officer; and

9. Such other officers as may be declared by the Statutes to be officers of the University.

11. (1) The Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.

The Chan-
cellor.

(2) The Chancellor shall, by virtue of his office, be the Head of the University.

(3) The Chancellor shall, if present, preside at the convocations of the University held for conferring degrees.

12. (1) The Vice-Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.

The Vice-
Chancellor.

(2) The Vice-Chancellor shall be the principal executive and academic officer of the University, and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.

(3) The Vice-Chancellor may, if he is of opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall report to such authority the action taken by him on such matter:

Provided that if the authority concerned is of opinion that such action ought not to have been taken, it may refer the matter to the Visitor whose decision thereon shall be final:

Provided further that any person in the service of the University who is aggrieved by the action taken by the Vice Chancellor under this sub-section shall have the right to appeal against such action to the Executive Council within three months from the date on which decision on such action is communicated to him and thereupon the Executive Council may confirm, modify or reverse the action taken by the Vice-Chancellor.

(4) The Vice Chancellor shall exercise such other powers and perform such other functions as may be prescribed by the Statutes or Ordinances.

Directors.

13. The Directors shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

Deans of
Schools.

14. Every Dean of a School shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

The
Registrar.

15. (1) The Registrar shall be appointed in such manner as may be prescribed by the Statutes.

(2) The Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University and shall exercise such other powers and perform such other duties as may be prescribed by the Statutes.

The
Finance
Officer.

16. The Finance Officer shall be appointed, in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

Other
Officers.

17. The manner of appointment and powers and duties of other officers of the University shall be prescribed by the Statutes.

Authorities
of the
University.

18. The following shall be the authorities of the University:—

1. The Court;
2. The Executive Council;
3. The Academic Council;
4. The Boards of Schools;
5. The Planning Board; and

6. Such other authorities as may be declared by the Statutes to be authorities of the University.

The Court.

19. (1) The Constitution of the Court and the term of office of its members shall be prescribed by the Statutes.

(2) Subject to the provisions of this Act, the Court shall have the following powers and functions, namely:—

(a) to review, from time to time, the broad policies and programmes of the University and to suggest measures for the improvement and development of the University;

(b) to consider and pass resolutions on the annual report and the annual accounts of the University and the audit report on such accounts;

(c) to advise the Visitor in respect of any matter which may be referred to it for advice; and

(d) to perform such other functions as may be prescribed by the Statutes.

20. (1) The Executive Council shall be the principal executive body of the University.

The Executive Council.

(2) The constitution of the Executive Council, the term of office of its members and its powers and duties shall be prescribed by the Statutes.

21. (1) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and Ordinances, co-ordinate and exercise general supervision over the academic policies of the University.

The Academic Council.

(2) The constitution of the Academic Council, the term of office of its members and its powers and duties shall be prescribed by the Statutes.

22. (1) There shall be constituted in the University, a Planning Board which shall be an authority of the University.

The Planning Board.

(2) The constitution of the Planning Board, term of office of its members and its powers and duties shall be prescribed by the Statutes.

23. The constitution, powers and functions of the Boards of Schools and of such other authorities, as may be declared by the Statutes to be authorities of the University, shall be prescribed by the Statutes.

Other authorities of the University.

24. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

Power to make Statutes.

(a) the constitution, powers and functions of the authorities and other bodies of the University, as may be constituted from time to time;

(b) the election and continuance in office of the members of the said authorities and bodies, the filling of vacancies of members, and all other matters relative to those authorities and other bodies for which it may be necessary or desirable to provide;

(c) the appointment, powers and duties of the officers of the University and their emoluments;

(d) the appointment of teachers of the University and other academic staff and their emoluments;

(e) the conditions of service of employees including provision for pension, insurance and provident fund, the manner of termination of service and disciplinary action;

(f) the procedure for arbitration in cases of dispute between employees or students and the University;

(g) the procedure for appeal to the Executive Council by any employee or student against the action of any officer or authority of the University;

(h) the conferment of honorary degrees;

(i) the withdrawal of degrees, diplomas, certificates and other academic distinctions;

Ordinances.

25. (1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:—

(a) the admission of students to the University and their enrolment as such;

(b) the courses of study to be laid down for all degrees, diplomas and certificates of the University;

(c) the medium of instruction and examination;

(d) the award of degrees, diplomas, certificates and other academic distinctions, the qualifications for the same and the means to be taken relating to the granting and obtaining of the same;

(e) the fees to be charged for courses of study in the University and for admission to the examinations, degrees and diplomas of the University;

(f) the conditions of award of fellowships, scholarships, studentships, medals and prizes;

(g) the conduct of examinations, including the term of office and of appointment and the duties of examining bodies, examiners and moderators;

(h) the appointment and emoluments of employees other than those for whom provision has been made in the Statutes;

(i) the establishment of Centres of Studies, Boards of Studies, Special Centres, specialised laboratories and other Committees;

(j) the manner of co-operation and collaboration with other Universities and authorities including learned bodies or associations;

(k) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;

(l) such other terms and conditions of service of teachers and other academic staff as are not prescribed by the Statutes;

(m) the management of Colleges and Institutions established by the University;

(n) the supervision and management of Colleges and Institutions admitted to the privileges of the University; and

(o) all other matters which by this Act or the Statutes may be provided for by the Ordinances;

(2) The first Ordinances shall be made by the Vice-Chancellor with the previous approval of the Central Government and the Ordinances so made may be amended, repealed or added to at any time by the Executive Council in the manner prescribed by the Statutes.

Regulations.

26. The authorities of the University may make Regulations consistent with this Act, the Statutes and the Ordinances for the conduct of their own business and that of the committees appointed by them and not provided for by this Act, the Statutes or the Ordinances in the manner prescribed by the Statutes.

27. (1) The annual accounts and balance-sheets of the University shall be prepared under the directions of the Executive Council and shall, once at least every year and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor-General of India.

Annual
Account

(2) A copy of the annual accounts, together with the report of the Comptroller and Auditor-General, shall also be submitted to the Central Government, which shall, as soon as may be, cause the same to be laid before both Houses of Parliament.

28. No suit or other legal proceedings shall lie against any officer or employee of the University for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act, the Statutes or the Ordinances.

Protection
of action
taken in
good
faith.

29. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to
remove
difficulties.

Provided that no such order shall be made under this Section after the expiry of three years from the commencement of this Act.

30. (1) Every Statute, Ordinance or Regulation made under this Act shall, be published in the Official Gazette.

Statutes,
Ordinances
and Regula-
tions to be
published
in the
Official
Gazette
and to be
laid before
Parlia-
ment.

(2) Every Statute, Ordinance or Regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the Session immediately following the Session or the successive Sessions aforesaid, both Houses agree in making any modification in the Statute, Ordinance or Regulation or both Houses agree that the Statute, Ordinance or Regulation should not be made, the Statute, Ordinance or Regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Statute, Ordinance or Regulation.

STATEMENT OF OBJECTS AND REASONS

State of Bihar is economically and educationally very backward. This backwardness is prevailing particularly in the rural areas. The people of Bihar are in need of a Central University for quite a longtime which may concentrate in its research and studies in rural development. The rural upliftment was the dream of the father of the nation Mahatma Gandhi, who had started the freedom struggle from the District of East Champaran in the State of Bihar. Moreover there is no university in the name of Mahatma Gandhi in our country. If a Central University is established in the name of the father of the nation it will be a humble homage to him in the eyes of the world. If a rural oriented Central University is established in Bihar this dream will come true.

Hence this Bill.

KAILASHPATI MISHRA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of a Central University in the State of Bihar. For the establishment of the University the estimated expenditure would be approximately Rs. 25 crores on non-recurring items spread over a period of ten years and Rs. 5 crores on recurring items for five years. The expenditure involved will be met by the University Grants Commission from its place allocation.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 24 of Bill empowers the Executive Council of the University to make new or additional statutes. Clause 25 of the Bill empowers the Vice-chancellor to make the first ordinances of the University. Clause 26 of the Bill enables the authorities of the University to make regulation for the conduct of their business and that of the committees appointed by them. The matters for which statutes, Ordinances or regulations may be made pertain to matters of procedure or detail and it is hardly possible to provide for them in the Bill. The delegation of legislative powers is of a normal character.

II

BILL NO. XX OF 1988

A Bill to protect the rights of a married woman and for matters connected therewith.

BE it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Married Women (Protection of Rights) Act, 1988

Short
title.

2. In this Act, unless the context otherwise requires,—

Defini-
tions.

(a) 'appropriate government' means the Central or the State Government under whose employment the husband of the widow was at the time of his death;

(b) 'prescribed' means prescribed by rules made under this Act;

(c) 'property' means movable and immovable property whether ancestral or not, or whether acquired jointly with other members of the family or by way of accretion to any ancestral property of the husband of a married woman, and includes deposits of the husband in provident fund, banks, shares, any public saving schemes, ornaments, land and house

Rights
of a
married
woman.

3. A married woman shall be entitled to the following rights, namely:—

(1) she shall have a right to live in the house of her husband whether owned by him or by his joint family without seeking judicial separation or divorce from her husband;

(2) she shall without seeking judicial separation be entitled to have food, clothing and other facilities and maintenance and support for herself from her husband;

(3) she shall be entitled to have an equal share in the property of her husband from the date of her marriage and shall also be entitled to dispose of her share in the property by way of sale, gift, mortgage, will or in any other manner whatsoever;

(4) she shall have a right of free access till her life to the children born out of the wedlock if they remain in the custody of her husband irrespective of the dissolution of marriage;

(5) she shall have an option to bring up the children separately, have their custody, maintenance and education consistently by remaining in the family of her husband;

(6) she shall be consulted by her husband in matters of family business and other financial transactions made out of the property of her husband or of the joint family.

Rights
of a
widow.

4. A widow shall be entitled to the following rights, namely:—

(1) she shall, if eligible, be entitled to get suitable employment in the event of the death of her husband who happened to be an employee in given Department;

(2) she shall be entitled to pension at such rates and on such conditions as the appropriate Government may prescribe;

(3) she shall have the first claim and absolute right on the property of her deceased husband.

Enforce-
ability of
rights.

5. (1) The rights conferred by this Act shall be enforceable in a court of law or in a Lok Adalat.

(2) Any transaction or business entered into in violation of subsection (6) of section 3 shall be null and void.

Act to
have
over-
riding
effect.

6. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act, or in any decree or order of any court, Tribunal or other authority.

Power
to make
rules.

7. The appropriate Government may, by notification, make rules for carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

In the wake of independence, Indian woman has not only been able to recognise her status but has also made man recognise it. Nevertheless, the status of a woman is still far from being dignified and safe in the Indian society. Although we are going to cross over to the 21st century from the 20th century, our attitude towards women is still that of the middle-aged feudal lords. Even to-day we are not prepared to grant the same liberty to women which men themselves are enjoying dauntlessly.

Today the real cause of the exploitation of a woman by her husband is that she has got no right in the house of her husband; she has got no right on the property of the husband. Even our laws confer the right of property on a woman only after the death of her husband and not during her coverture.

If a woman's right in the property of her husband is recognised the moment she marries, she will start feeling secure and will overcome her sense of helplessness and economic insecurity. This will minimise if not eliminate to a great extent the cases of separation and divorce whose basic reason is economic in many cases. What she will get on divorce, society should grant her during the subsistence of marriage. It is the most glaring injustice and indignity to woman that while she is a partner of the husband, the latter does not even think it necessary to inform her about his financial and family transactions leave alone consultation with her.

The Bill seeks to achieve the above objectives by granting women certain rights.

VEENA VERMA

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules to give effect to the provisions of this Bill. The delegation of Legislative Power is of a normal character.

SMT. K. K. CHOPRA,
Additional Secretary.